



DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–R6–ES–2026–0958, FXGO166009DR000–267–FF09D00000]

Endangered and Threatened Wildlife and Plants; Request for Information on Implementation of the Gray Wolf (*Canis lupus*) Nonessential Experimental Population Rule in Colorado

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice; request for information and comments.

SUMMARY: The U.S. Fish and Wildlife Service (Service) requests information regarding the implementation of the Endangered Species Act (ESA) section 10(j) nonessential experimental population rule (10(j) Rule) for gray wolves (*Canis lupus*) in the State of Colorado, 88 Fed. Reg. 77014 (Nov. 8, 2023). Over the past few years, many wolf-livestock depredation events have been verified in Colorado and the total number of verified depredations and associated claims has vastly exceeded the funds currently available under Colorado’s existing livestock compensation scheme. The Service is seeking information on how the State of Colorado (State), including Colorado Parks and Wildlife (CPW) and partner agencies, is implementing the 10(j) Rule and addressing conflicts between wolves and livestock. Specifically, the Service seeks information on the State’s implementation of the 10(j) Rule, as published. On December 12, 2023, the Service signed a Memorandum of Agreement (MOA) with CPW in order to “facilitate and enable active participation in wolf conservation and management by CPW personnel.” Of the several listed objectives, CPW committed to “...share timely information, as appropriate and necessary, with partners and stakeholders (including the public) regarding the Colorado Gray Wolf Restoration Program to foster transparent and effective communications regarding the goals and commitments under the MOA.”

Moreover, the MOA stated that the CPW would “conduct public outreach and provide information about gray wolves and gray wolf management in Colorado” and “implement proactive strategies and conduct or direct non-lethal and lethal control actions to reduce and/or resolve gray wolf-livestock conflict and human safety concerns...” The MOA also states that CPW will “communicate regularly (at a minimum, quarterly) with the Service’s Wolf Coordinator or appropriate Service representative” as well as “Assist the Service by providing data as needed to allow the Service to carry out its responsibilities under the ESA and to facilitate coordination of management responses to wolf conflicts in Colorado...” The Service seeks comment on implementation of the aspects of this MOA, including but not limited to: conflict prevention and response, stakeholder engagement, and recommendations for improving outcomes. The Service also seeks information regarding the impact, if any, that the experimental wolf population is having on wild ungulate herds or populations, including on Tribal lands, as discussed in the final rule, as well as implementation of associated procedures to allow nonlethal and lethal management of gray wolves that are having an unacceptable impact. The Service also solicits feedback on CPWs tracking of wolf conflict risk, activities taken to minimize wolf conflict risk, and the allowable forms of take for gray wolves as outlined in the 10(j) rule, including: “the taking of wolves in the act of attacking livestock” on both private and public land as well as the “agency take of wolves that depredate livestock.” Finally, the Service seeks information regarding implementation of the State’s livestock loss compensation program as a means to achieve minimization of conflict risk as outlined in the Colorado Wolf Restoration and Management Plan incorporated by reference in the MOA

DATES: Comments will be accepted on or before **[INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**. Comments submitted

electronically using the Federal eRulemaking Portal (see **ADDRESSES**, below) must be received by 11:59 p.m. eastern time on the closing date.

To ensure your comment is received and considered, you must submit it using one of the methods identified in the **ADDRESSES** section of this document.

Comments submitted through any method not authorized in this document, or sent to an address not listed here, will not be considered.

ADDRESSES: *Comment submission:* All submissions must include the docket FWS–R6–ES–2026–0958 this document. You must submit comments using one of the following methods:

- Electronic submission: Federal eRulemaking Portal at: <https://www.regulations.gov>. In the Search box, enter FWS–R6–ES–2026–0958, which is the docket number for this action. Then click the Search button. On the resulting page, you may submit a comment by clicking on “Comment.” Please ensure that you have found the correct document before submitting your comments.
- U.S. mail: Public Comments Processing, Attn: Docket No. FWS–R6–ES–2026–0958, Policy and Regulations Branch, U.S. Fish and Wildlife Service, MS: PRB (JAO/3W), 5275 Leesburg Pike, Falls Church, VA 22041–3803.

Comments submitted through any method not authorized in this document, or sent to an address not listed here, will not be considered. We will not accept comments via email, fax, or hand delivery. We are not required to consider comments that are submitted after the comment period ends or that are submitted via a method outside of these instructions. Comments containing profanity, vulgarity, threats, or other inappropriate content will not be considered.

We will post all comments at <https://www.regulations.gov>. You may request that we withhold personal identifying information from public review; however, we cannot

guarantee that we will be able to do so. See Request for Public Comments for more information. You may submit comments by one of the following methods:

FOR FURTHER INFORMATION CONTACT: Marjorie Nelson, Assistant Regional Director for Ecological Services, Mountain-Prairie Region, U.S. Fish and Wildlife Service, 1 Denver Federal Center, Building 53 - Room FW100, Denver, CO 80225; telephone: 303-236-4258; email: marjorie_nelson@fws.gov. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION:

Background

Section 10(j) of the ESA authorizes the designation of certain reintroduced populations of listed species as nonessential experimental populations (NEPs), allowing for greater management flexibility and helping reduce conflicts with human activities while contributing to conservation goals (16 U.S.C. 1539(j)). On November 8, 2023, the Service published a final rule establishing a NEP for gray wolves in Colorado (88 FR 77014, November 11, 2023; hereafter 10(j) Rule). The State of Colorado requested that the Service establish an NEP in conjunction with their State-led gray wolf reintroduction effort. Establishment of the NEP provided management flexibilities for the gray wolf within the NEP area, which can reduce negative interactions with livestock producers and communities, while concurrently providing for the conservation of the species.

Over the past few years, multiple livestock depredations by wolves have been verified in Colorado on both private and leased grazing lands. The number of verified depredations have exceeded available compensation funds in Colorado, leading to

concerns among livestock producers regarding timeliness, adequacy, and accessibility of compensation.

The Service recognizes the importance of collecting information from producers, landowners, Tribes, State and local governments, conservation organizations, and other stakeholders with regard to 10(j) Rule implementation. This request for information (RFI) solicits data, observations, and recommendations related to 10(j) Rule implementation, including information about conflict response, nonlethal deterrence, coordination and communication, and other related topics. This RFI also solicits feedback on the State of Colorado's compensation program for livestock producers who experience livestock losses caused by wolves.

Purpose of this Request for Information

The purpose of this RFI is to gather information on how the 10(j) Rule framework is being implemented in Colorado and the outcomes associated with that implementation.

The Service especially invites information regarding:

- Trends and patterns in livestock depredation since implementation of the 10(j) Rule;
- Practical experiences with incident response, conflict mitigation, and verification of depredations;
- Effectiveness of nonlethal and other preventative tools and strategies;
- Coordination among Federal, State, Tribal, and local entities;
- Communication and outreach regarding wolf management, risk, and prevention;
- Recommendations to improve 10(j) Rule implementation to reduce conflict while supporting conservation objectives.

While not governed by the 10(j) Rule framework, the Service also invites information regarding Colorado's livestock loss compensation program, including the

sufficiency, timeliness, and accessibility of compensation funds and related processes in the State.

Request for Information

The Service invites the public to provide information on any aspect of the State of Colorado's implementation of the 10(j) Rule. Commenters may respond to the following questions, or provide other relevant information:

- Based on your observations or data, what trends in wolf-livestock interactions have occurred in Colorado since 10(j) Rule implementation on December 8, 2023?
- What nonlethal deterrence or preventive measures have been employed in Colorado, and how effective have they been?
- How has the process of verifying depredations and documenting claims in Colorado functioned in your experience?
- How would you characterize coordination among agencies, producers, Tribes, and local communities in addressing conflicts?
- What improvements, in your view, would make 10(j) Rule implementation more effective in reducing conflict and improving outcomes for producers and wolf conservation in Colorado?

While the 10(j) Rule did not authorize and/or govern the State of Colorado's livestock loss compensation program, the Service also invites commenters to respond to the following questions about the State of Colorado's livestock loss compensation program:

- To what extent have the state's available compensation funds met the need for indemnity and associated costs?
- What barriers exist to obtaining compensation from the state or implementing mitigation strategies?

Submitters are encouraged to provide specific examples, geographies, dates, and any relevant supporting materials.

Public Availability of Comments

All information received in response to this RFI will be posted on <https://www.regulations.gov> and may include personal identifying information. Do not include information you do not wish to make publicly available.

Authority

The authority for this RFI is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.) including section 10(j), and other applicable laws.

Brian R. Nesvik,

Director,

U.S. Fish and Wildlife Service.

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